IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1427 OF 2004

Union of India & Ors. .....Petitioners

VERSUS

N.S. Tomar & Ors. ....

Respondents

WITH

WRIT PETITION NO. 2333 OF 2004

Union of India & Ors. .....Petitioners

VERSUS

K.Satyanarayana Murthy & Ors. ...

Respondents

IN BOTH PETITIONS:

Mr. Suresh Kumar with Mr. Y.R. Mishra for the petitioners

Mr. R.C. Kotiankar for the Respondents.

CORAM: DALVEER BHANDARI, C.J., &
DR.D.Y.CHANDRACHUD, J.

DATE: OCTOBER 28, 2004.

P.C.:-

The Central Administrative Tribunal, in its judgment dated 22nd October, 2003, observed that from the schedule, it has been demonstrated that six posts were available from the year 1997-98 onwards before new Recruitment Rules came into force. It is not in dispute that if the year of allotment is taken into consideration prior to the new Recruitment Rules coming into force, then, the right of those who were eligible to be considered for promotion to the post of Chemical Examiner Grade II cannot, however, be denied in the manner indicated in the Rules prior to amendment. The Tribunal has indicated that from the factual scenario, it has emerged that six posts were available to be filled up on a regular basis. The Tribunal gave direction that the respondents take steps in filling up vacant posts on a regular basis from the date the vacancies did arise; and accordingly, the Seniority List be prepared. The Tribunal gave four months' time to carry out the direction. We find no infirmity in its order.

The Writ Petitions filed by the Union of India and others are totally devoid of any merit, and are accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.